

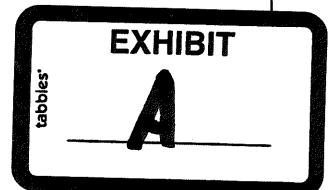
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION
* * * * *

JUSTIN BARKER)
VS.) No. 1:21-CV-04419
LOUISIANA SCHOOL FOR MATH)
SCIENCES & THE ARTS.)

21 REPORTED BY:
22 CAROLYN F. WHITE
23 CERTIFIED COURT REPORTER
24 CERTIFICATE NO. 91111
PARISH OF OUACHITA
STATE OF ARKANSAS

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3 A No.

4 Q Would you have started -- or when did you start at
5 Louisiana School?

6 A I started August -- I think my contract started like
7 August 1 of 2017.

8 Q Okay. Are you on any kind of medication today which
9 may affect your testimony, either your ability to understand
10 my questions or your ability to answer?

11 A I am on medication, but not that would fall into those
12 categories.

13 Q Okay. So, you feel comfortable --

14 A Yes.

15 Q -- being able to take --

16 A Yes.

17 Q -- to give a deposition today?

18 A I do.

19 Q Okay. Have you ever been convicted of a felony?

20 A I have not.

21 Q Have you ever been involved in any prior lawsuit either
22 as a plaintiff or as a defendant?

23 A No.

24 Q Have you ever served as a witness in any other
25 lawsuits?

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1 A I have not.

2 Q Have you ever -- I think you answered this, but you've

3 not given any other depositions before?

4 A No.

5 Q Have you ever filed any other EEOC complaint other than

6 the one we are here about today?

7 A I have not.

8 Q Have you ever filed for workers' comp?

9 A I have not.

10 Q Have you ever filed for bankruptcy?

11 A No, I have not.

12 Q Have you ever filed for disability?

13 A I have not.

14 Q Dr. Barker, we're here today on the lawsuit that you

15 have filed against Louisiana School in which you have

16 alleged that you were unlawfully harassed on the basis of

17 your gender and your sexual orientation. Can you tell me

18 for the record, what is your gender?

19 A I identify as female.

20 Q And that's true at the time you were at Louisiana

21 School?

22 A Yes.

23 Q And what is your sexual orientation?

24 A I identify as queer.

25 Q Is that true at the time you were at Louisiana School?

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2 A Yes.

3 Q Did you ever tell anyone at the school -- and again I'm

4 talking about Louisiana School, but the school of your

5 sexual orientation? Did you ever have any discussions with

6 anybody?

7 A Just a few of my close friends like just in casual

8 conversation, but it wasn't something -- I wasn't like hi,

9 my name's Justin and this is how -- so, no, if it came up or

10 somebody like asked or kind of assumed, but --

11 Q Yes.

12 A -- yeah.

13 Q Sometimes people talk about whether they are open or

14 not open.

15 A I am open. Yes. I'm out, open, yeah, so if it came up

16 I wouldn't deny it, but I wouldn't like go and say -- that

17 wouldn't be the thing I led with, so --

18 Q Sure. I understand that.

19 A -- yeah.

20 Q And so I keep talking about at the time you were at the

21 school and so I'm talking -- I guess I think about it in

22 school years. So, the school year starting in 2017 through

23 the school year that ended in the spring of 2020 --

24 A Uh-huh.

25 Q -- would you agree that you were an openly queer --

26 A Yes.

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1 and then whoever else knew from like students or whatever.

2 Q Can you tell me how John Allen became aware of the fact
3 that you identified as queer?

4 A I told him.

5 Q When was that?

6 A Explicitly it was -- I think it was around the fall of
7 2019.

8 Q Fall of 2019. Where were y'all or how did it come up
9 if you remember the conversation?

10 A We were -- we used to just chat, so I think we were
11 chatting either in his office or like outside -- like in his
12 office and we were talking about just, you know, how his
13 stuff is going like his relationships and I was just like oh
14 yeah, like I don't think I've ever explicitly said, but
15 here's the thing and he was like well, I didn't really --
16 like that's awesome, yay and I was like yeah, like I've
17 always -- but it's not something I ever led with, so but it
18 just kind of came up and I was like yeah, it's a thing.

19 Q So, it's a thing meaning that you were queer?

20 A Yes, exactly.

21 Q Okay. All right. What about Kristi Key? How do you
22 know that Kristi Key was aware of your sexual orientation?

23 A I -- my assumption -- I never directly told her, but my
24 assumption is based on some of the conversations that she
25 had with me and some of the things that she would say that

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1 A If I think of something as we're going through can I --
2 can I -- because I'm trying to like go through the timeline,
3 but yeah, not currently --

4 Q Yeah. And --

5 A -- off the top of my head.

6 Q And again if you don't know, if you don't remember --

7 A Okay.

8 Q -- those -- I always say those are fair answers, so
9 again if you can't think of anything more that's a fair
10 answer as well. So, employees at the school who were aware
11 of your sexual orientation include Jenny Schmidt, Jennifer
12 Mangum, Karen Stirrett --

13 A Stirrett.

14 Q -- Kim Cain, John Allen and you believe Kristi Key. Is
15 that correct?

16 A Correct.

17 Q Although you never had a direct conversation with her
18 where you said I identify as queer?

19 A Correct.

20 Q Anybody else at the school during your time at
21 Louisiana School that knew your sexual orientation?

22 A Students -- pretty much all the students. I -- again,
23 I would assume. Like I know the ones that took classes with
24 me most likely did. One even came up to me and -- after a
25 class and she said I'm just grateful that like you do --

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A Yes.

Q Would you agree that points one through 30 detail the harassment that you contend was perpetrated by Dr. Key in this matter?

A Yes.

Q Okay. If there was another significant allegation or harassment, would there be any reason why you would not have included it in this list?

A No.

Q Okay. So, it's -- I guess if we're working off of something it's fair to say that we can work off of number one through 30 as really the full extent of the harassment you're alleging occurred by Dr. Key?

A Yes.

Q Okay. Now, I think I know the answer to these questions after -- after reading your discovery responses, but I do have to ask. Did you and Dr. Key ever engage in a physical, sexual -- any kind of physical, sexual conduct?

A No.

Q Okay. Did Dr. Key ever ask you to engage in physical, sexual conduct?

A No.

Q Did Dr. Key ever tell you that your job depended on your willingness to engage in a physical, sexual relationship or physical, sexual conduct with her?

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A No.

Q Okay. Did Dr. Key ever ask you to be in a romantic relationship with her?

A No.

Q And I say romantic relationship meaning not -- or an emotional relationship even without physical acts?

A No.

Q Okay. Did Dr. Key ever tell you that your job depended on your willingness to enter into a romantic relationship with or without physical acts with her?

A No.

Q Okay. Dr. Key testified in this case yesterday and described for us during your first year at Louisiana School -- and again I'm using year as like school year is how I think of it --

A Uh-huh.

Q -- that y'all had developed a friendship. Would you agree with that description?

A Yes.

Q There were also some I guess for lack of a better word descriptions in some of the attachments to your discovery responses that talk about Dr. Key being a mentor to you. Would you agree that Dr. Key at least in that first year acted as a mentor for you?

A Yes.

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2 of like saying no, the fact that she messaged me the first
3 thing in the morning and the last thing at night and it's a
4 constant thing, the fact that, you know, she gives me gifts,
5 the fact that -- like all of these things I just kind of
6 kept putting off and dismissing. So that's what I mean by
7 for the most part because there were things that again in --
8 in the moment were like um, like struck me as a little odd,
9 but in hindsight I now recognize that they were more
9 problematic than just odd. Yeah.

10 Q Okay. Thank you. Did Dr. Key ever tell you that your
11 job depended on your willingness to be friends with her?

12 A No.

13 Q During that first school year -- and again I'm talking
14 about August of '18 into this -- no, August --

15 A '17.

16 Q -- of '17 into the spring of '18, did you ever report
17 or tell anyone that you did not want to be friends with
18 Dr. Key?

19 A No.

20 Q Or that the friendship with Dr. Key made you
21 uncomfortable?

22 A I did express in June of 2018 -- John Allen was aware
23 that there was an -- so, Dr. Key all of a sudden stopped
24 speaking to me in any capacity and -- and it wasn't just,
25 you know -- it wasn't -- when I say any capacity I mean,

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2 -- with this -- where the students were she would not look
3 at me, she would not engage me, she would not even -- like
4 even in a professional manner.

5 Q Is this the STEM?

6 A Yes, correct.

7 Q Okay. I've seen that reference.

8 A Uh-huh.

9 Q So, this is during STEM week and you think it happened
10 maybe that Friday?

11 A Yes. And the meeting that she and I had was at the end
12 of that week.

13 Q Okay.

14 A And so we talked about -- I wanted clarification again
15 like what -- as a new faculty member -- first of all, I was
16 like what did I -- I wanted to know what happened, what I
17 did wrong, like what the issue was. She said that she --
18 she had been a bit -- bad mentor to me and that she just
19 needed to just do -- be better about like not talking with
20 me about, you know, my colleagues and that we needed to
21 establish that boundary and my response to that was like I
22 am totally fine with that. Like I don't want to talk about
23 my colleagues like I don't want to be caught up in that
24 moment and like that's not -- that's not how I play, so I
25 told her 100 percent like --

Q So --

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2 A -- I did not have issues.

3 Q So, 100 percent you agreed to setting at least that
4 professional boundary with her?

5 A Yes. Yeah. And that was --

6 Q So --

7 A -- the only -- yeah. And that was the only --

8 Q We're starting to talk over each other, so --

9 A Yeah, I'm sorry.

10 Q -- I apologize so you finish -- go ahead and finish
11 your answer.

12 A And sometimes I get like -- (inaudible) when I get like
13 really excited.

14 Q I understand.

15 A So, yes. So, she -- that was the only boundary that we
16 discussed was not talking as she put it dishing about
17 colleagues and I said I agree.

18 Q Did she mention anything about concerns that
19 Dr. Langford had?

20 A No. No.

21 Q So, going into your next school year at the school,
22 which would have been '18 to '19, at that point, the fall of
23 '18, can you describe for me your friendship, relationship,
24 whatever you contend was there with Dr. Key at that point?
25 Or did you even still consider Dr. Key a friend at that
point?

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2 Q Okay. All right. So, I wanted -- we're going back to
3 the spring.

4 A Uh-huh.

5 Q If I understand your testimony correctly you had no
6 meetings with Sheila Kidd up until the June 2019?

7 A Correct.

8 Q March 21, 2019, was there a second meeting between you
9 and Dr. Key to discuss setting some professional boundaries?
10 I've also read in some of the messages it being described as
finding middle ground.

11 A Yes. That meeting happened on the suggestion of John
12 Allen because Dr. Key -- we had been having difficulties
13 again. She had been in front of John Allen -- and again
14 there are -- John -- Mr. Allen recognized this -- had gone
15 out of her way to ignore me and also prevent in one case
16 John from actually speaking to me and it had gotten to the
17 point where I -- I started to think -- it was happening in
18 front of other people and I thought ew, if I see it and
19 doing it in front of John Allen or Dr. Langford or whomever
20 like other people are going to see it and I also still had
21 no idea like what I had done professionally or honestly
22 personally to like really -- because we never had a
23 conversation. Like the things you asked a minute ago about
24 that letter, none of the -- like that conversation never
25 happened. Nobody ever -- even though I asked like can

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1 Q Okay.

2 A -- looked at him because I'm referencing -- like if you

3 had said something I would look at --

4 Q Okay.

5 A Yeah, uh-huh.

6 Q So, I think I understand what happened in the March

7 21st meeting. Is it fair to say that you wanted explicit

8 boundaries, you agreed that boundaries were needed?

9 A Uh-huh.

10 Q Sorry, that's a yes?

11 A I'm sorry, yes.

12 Q But you left that March meeting -- would it be fair to

13 say you were unclear on what -- where the boundaries lay?

14 A Yes.

15 Q Did Dr. Key ever give you any explicit boundaries

16 during the March 21st meeting that she felt comfortable

17 with?

18 A No. She only said I cannot and will not ever be able

19 to establish boundaries with you and I didn't know how to

20 respond to that.

21 Q So, at that point in March of '19 do you still consider

22 Dr. Key to be a friend?

23 A No.

24 Q Okay. Would you -- I guess was it fair to call that

25 maybe the turn of the end of the friendship?

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1 dates and stuff. It's a thing. It was a Wednesday, June
2 6th at like 9:00 a.m. and she's like I want to speak with
3 you and Dr. Key regarding some communication concerns that
4 have arisen. Again, like it's almost word for word, but I
5 can't remember it exactly and my response was okay and I
6 assumed that we would sit in a room and like talk through
7 this stuff and come to some kind of -- essentially have a
8 mediation I guess and come to some kind of like I understand
9 what -- so I could have better clarity about like what she
10 was doing and then what like her intentions were or I guess
11 are at that moment and so that I could explain, you know,
12 where I'm coming from and so that we could foster a -- a
13 good professional relationship where -- because I even said,
14 like I still want you to mentor me because like my ultimate
15 goal was not to remain a teacher. Like I've always been
16 interested. I mean, I'm -- I work at the State now. Like
17 I've always been interested in moving up either in an
18 administrative role or beyond that like working for a state
19 agency just because like I -- while I love teaching, I -- I
20 also wanted to do more with education and so I still wanted
21 to learn from her because I was like, you know, from all
22 I've been able to see like you're -- you seem effective at
23 your job and like, you know, there's no other -- like we
24 don't have like another Dean of Faculty or Dean -- like
25 anybody else I could engage with, so I want to -- so I did

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2 -- I did state that I believe in the letter and I was under
3 the impression that yeah, it would be Kristi, Sheila and me
4 -- I'm sorry, Dr. -- Kristi, Sheila and me --
5 Q Yeah. I know who you're talking about --
6 A -- and we would sit and work all this out --
7 Q And --
8 A -- and talk about these communication concerns. And
9 then Wednesday morning --
10 Q Can I ask you a question --
11 A Yes.
12 Q -- real quick?
13 A Of course.
14 Q Because I want to let you keep going, but I want to
15 make sure I understand. You wanted that meeting to happen,
16 correct?
17 A Uh-huh.
18 Q I'm sorry, and that's a yes?
19 A Oh, yes. I'm sorry.
20 Q That's okay.
21 A I knew that.
22 Q And you wanted to set some boundaries?
23 A Yes.
24 Q In a professional and personal aspect?
25 A Yes.
Q And I understand you wanted the friendship to end?

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1 A Yes.
2 Q But you wanted her to still serve as a mentor to you?
3 A Yes.
4 Q And that's what you wanted to accomplish going into
5 this meeting --
6 A Yes.
7 Q -- with Sheila Kidd and Dr. Key?
8 A Correct. Yes.
9 Q And I understand a meeting between the three of y'all
10 did not take place?
11 A It did not.
12 Q So, at some point you did meet with Sheila, correct?
13 A Yes.
14 Q And I think that's what you were wanting to describe
15 for me. So, I don't -- again, I don't want to cut you off,
16 I just want clarity. So, tell me what happens in the
17 meeting with you -- between you and Sheila?
18 A Yeah. And I'll say like I talk sometimes really fast
19 so at any --
20 Q That's okay.
21 A -- point if I keep -- I mean, yeah.
22 Q That's okay.
23 A So, that morning -- so I think the meeting was around
24 9:00 and around 8:15 to 8:30 I got another e-mail from
25 Sheila saying that the meeting had been moved to her office.

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1 A You're totally fine.

2 Q So, did you sign it?

3 A I did sign it.

4 Q This is your signature?

5 A Absolutely.

6 Q And at that point you wanted some boundaries, correct?

7 A I did, yes.

8 Q Did you -- and so you agreed to these boundaries
9 although you have testified I believe that you thought these
10 were a list of informal directives?

11 A Yes.

12 Q But at least at the time in June '19 you did agree to
13 these?

14 A Ultimately because I didn't think I had any other
15 choice. I -- when HR calls you in and tells you hey, you --
16 you're threatening and harassing, you've done all these
17 things wrong and there was no -- there was no willingness to
18 like listen to me, right. Like I was trying to explain,
19 this is -- and there was -- there -- and it just -- Ms. Kidd
20 just kept coming back to but do you not understand what you
21 did wrong. No, I don't.

22 Q In that meeting did you ever tell Ms. Kidd that you
23 could see that some of your actions towards Dr. Key could be
24 perceived as harassing?

25 A No. No.

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2 A Yeah.

3 Q -- and I just want to redirect us so that we can get
4 through this material.

5 A Uh-huh.

6 Q You kind of alluded to what you had told John Allen --

7 A Uh-huh.

8 Q -- and when you had told John Allen and again, I want
9 to go back to the discovery responses that are very detailed
10 and I think it's on page six where you talk about in detail
11 exactly what you told John Allen and when you -- when you
12 say that you -- when you spoke to John Allen -- I think it's
13 six and seven. It's in answer to interrogatory number four.
14 It says John Allen and it has several dates after it. Do
15 you see where I am?

16 MS. MAI: And what page are you? Sorry?

17 MS. WHITE: I think six. This, of course, is not
18 numbered.

19 A Oh, okay. I know where --

20 Q But where you --

21 A -- you're at. I'm almost there. I think I just passed
22 it.

23 Q I guess -- I don't want to ask anything about it
24 specifically, but I want to I guess in general kind of like
25 when we talked about the harassment, would you agree that
this response, which again is bullet pointed, but not

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numbered --

2 A Uh-huh.

3 Q -- covers the extent of the information that you
4 reported to John Allen regarding Kristi Key's actions?

5 A Yes. I provided -- yeah. Every meeting -- yeah, and
6 some of the things I messaged him as well that I provided in
7 the -- like the discovery.

8 Q And again, generally this is that Kristi or Dr. Key was
9 not talking to you, was ignoring you, was not standing next
10 to you at events, basically behavior which you have just
11 described for us?

12 A Uh-huh.

13 Q Correct?

14 A Yes.

15 Q Would you agree -- and again I think I know the answer
16 after reading -- and it goes onto the second page.

17 A Uh-huh.

18 Q At no point in time did you ever report to John Allen
19 that you felt there were some unwanted sexual advances?

20 A No.

21 Q Okay. And that's a poor question on my part the way
22 that I postured it.

23 A But I know you, yeah.

24 Q Yeah. So, did you ever tell John Allen that you were
25 the victim of unwanted sexual advantage --

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1 A No.
2 Q -- advances?
3 A And the reason -- I can explain exactly why.
4 Q And I have a few more -- and I want --
5 A Okay.
6 Q -- you to explain. Did you ever tell John Allen that
7 Dr. Key had requested sexual favors from you?
8 A No.
9 Q Did you ever tell John Allen that there was any
10 inappropriate physical contact with Dr. Key?
11 A At that point let me think.
12 Q And I -- let me --
13 A No.
14 Q -- posture it with physical, sexual contact?
15 A No.
16 Q Okay.
17 A No.
18 Q And you wanted to give some context.
19 A Yes. I lost my train of thought.
20 Q If it comes back to you we can come back. But again
21 you would agree that your discovery responses pretty well
22 encompassed the information that you provided to John Allen?
23 A Yeah. And I got it back, okay.
24 Q No problem.
25 A It usually only takes a minute. So, the reason I

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1 didn't is by that point -- because this was -- and I would
2 say definitely I mean -- I would say by October of --
3 October 24, 2019, that's when I kind of like -- I kind of
4 started put together the full picture like after my
5 conversation with Kim Cain after I went back and looked at
6 everything and thought about everything and my concern --
7 like as somebody who identifies as part of that community,
8 the last thing that you want is for somebody else -- if you
9 are -- to out you.

10 Q And when you say if you are part of the --

11 A If you are -- if you are -- like if you are LGBTQ in
12 some way and I was like if that is -- if that was part of
13 what Kristi's experience with me, it was not my place to
14 have that conversation with anybody and not my place to say
15 like -- and now I'm like well, Justin, you were like being
16 too nice to her. You should have just said what you thought
17 and maybe -- well, I probably would have ended up in the
18 same situation but whatever.

19 Q So, it's your contention that you didn't report any of
20 these concerns to John Allen because you were worried about
21 inadvertently outing Kristi Key? Is that --

22 A Uh-huh.

23 Q -- correct?

24 A Yep. And --

25 Q Okay.

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1 A -- even though I'm a -- you know, was accused of being
2 a threatening and harassing person I didn't want to hurt
3 another person.

4 Q Okay. So, in February 2020 -- again so now we've moved
5 through the fall of '19, we're in the spring of 2020. You
6 went to go speak with Dr. Horton, correct?

7 A Yes.

8 Q Okay. And this was the day after Jenny Schmidt had
9 gone to speak with Dr. Horton?

10 A Yes, which I did not know about until she told me.

11 Q Okay. So, you didn't ask Jenny to go?

12 A No.

13 Q But Jenny went, advocated for you?

14 A Since nobody else was, so --

15 Q And then the next day you went to Dr. Horton?

16 A And the reason I went is because I don't like people
17 speaking for me. I mean, I wasn't mad at Jenny, but I don't
18 like -- and I wanted to have the chance to say here is it
19 from -- from me. Like I appreciate that Jenny broke the ice
20 because I didn't -- I couldn't do it and it had gotten to
21 the point where yeah, like -- I spent I would say 75 percent
22 of my day feeling like there was just like something sitting
23 on my chest constantly. Like I was always anxious, I was
24 always on edge and it just -- again, it became untenable and
25 so I -- when I went to speak with Dr. Horton I brought Jenny

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2 second year - you were worried about Dr. Key's behavior
3 affecting your job.

4 A Yes.

5 Q Is that correct?

6 A Correct.

7 Q In the three years that you were employed at Louisiana
8 School -- and again I'm using academic years.

9 A Uh-huh.

10 Q Did you receive a raise each year you were there?

11 A Yes. It is standard, like everybody receives one, so
12 yeah.

13 Q Did you receive a promotion from instructor to
14 associate lecturer during your time at Louisiana School?

15 A Yes.

16 Q Did you receive a stipend for the work that you did on
17 the writing center?

18 A Yes, thanks to Dr. Donlon.

19 Q Okay. And that was my next question. Do you know who
20 advocated --

21 A Yeah.

22 Q -- for you to get the writing center?

23 A Dr. Donlon.

24 Q Was it your understanding that only Dr. Donlon
25 advocated for you?

A Yes.

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2 Q Okay.

3 A That's what I'm going for and then again somebody who
4 does -- I like CBT. I like cognitive behavioral therapy
5 more than anything else, so like I know what I want. It's
just haven't found one yet.

6 Q Okay. Shifting around a little bit and I'm trying to
7 wrap it up. I know we are getting late in the day here.
8 Your first year at the school, '17 to '18, did you attend an
9 in-service training on Title IX?

10 A Yes. Part of in-service.

11 Q Did you attend some in-service training on Title IX the
12 beginning of your second year -- academic year, '18 to '19?

13 A I'm assuming, yes, because I think it was always part
14 of in-service. There was always like a Title IX
15 presentation, so yeah.

16 Q Okay. And same question for third year.

17 A I would say yes, given that my understanding is always
18 -- I mean, they all go together, but yeah.

19 Q If there was a required training, would it be fair to
20 say that you went?

21 A Huh?

22 Q If there was a required --

23 A Sorry.

24 Q -- training for you as a teacher at Louisiana School,
25 would it be fair to say that you would go to it?

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1 A Oh, 100 percent, yeah.

2 Q You can't fit -- there's no instance that sticks out in
3 your mind of a reason that you did not go to a required
4 training of some sort?

5 A No.

6 Q Okay. There's also been some questions about the
7 notice of non-discrimination at the school.

8 A Yes.

9 Q Can you tell me what information you base that
10 allegation on, about a failure to post or distribute the
11 notice to non-discrimination?

12 A Yeah, because as a faculty member, that -- that was
13 never something that like we were told like here's where you
14 -- I mean, like you find out where it is. I mean, I don't
15 even -- I guess it might be where like some of the
16 employment stuff is like you'll have through the -- like by
17 the business office, but like I don't know if there's
18 actually a notice of discrimination. That was never
19 something like hey, you know, if you have questions you can
20 find the notice of discrimination here in this place or over
21 here. Like that was never explicitly told -- told to us.

22 Q Okay. So, it wasn't explicitly told to you, but you're
23 not saying that it's not there? Or maybe you are saying
24 that it's not there?

25 A I mean, honestly when I was there I do not ever

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1 remember seeing it and at this point I can't tell you --

2 Q One way or the other?

3 A Yeah. But it was never something like that jumped out
4 at me like oh, yeah, there's our notice of discrimination.

5 Q Okay. There's also an allegation in the complaint
6 about intentional infliction of emotional distress.

7 A Uh-huh.

8 Q It says in there that the defendant or the school
9 forced confidentiality on you and retaliated against you
10 when you sought emotional and professional support from
11 close colleagues, .

12 A Uh-huh.

13 Q Can you tell me what you mean by that?

14 A Yes. In Dr. Key's grievance while she accuses me of
15 being a, quote, "personal stalker and workplace harasser" at
16 the end of the day what she ultimately says at the end of
17 her grievance is that she would like me dismissed because of
18 my issues with confidentiality.

19 Q Okay.

20 A So, she makes that direct connection back.

21 Q And so her -- her statement, her request for relief in
22 her grievance that she wanted you dismissed because of
23 issues with confidentiality --

24 A Uh-huh.

25 Q -- is what you are referencing in that intentional

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1 Q Did you think that you were on a date - and I use that
2 in the romantic sense --

3 A Uh-huh.

4 Q -- with Dr. Key?

5 A I didn't, but I can't --

6 Q Okay.

7 A -- tell you what she thought.

8 Q Okay. The Toledo Bend incident -- again, I don't want
9 to go too much in depth, but did -- is this the event -- did
10 it occur -- was it one weekend or one day?

11 A It was a day. Yeah, a day.

12 Q And was Dr. Key there with her family?

13 A Uh-huh.

14 Q I'm sorry, that's a yes?

15 A Yes. I'm sorry.

16 Q Did you go with a friend as well?

17 A Yes. Dr. Key was messaging me that day. I was
18 actually with Jenny Schmidt because it was over Spring Break
19 and Dr. Key wanted me to come out and I told her I was with
20 Jenny and so Jenny came, too.

21 Q Okay. Did you spend the night at Toledo Bend?

22 A No. No.

23 Q You didn't spend the night?

24 A No.

25 Q Did Kristi spend the night with her family or do you

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JUSTIN BARKER

CASE NO.: 1:21-cv-04419

VERSUS

JUDGE DRELL

LOUISIANA SCHOOL FOR MATH,
SCIENCE, AND THE ARTS

MAGISTRATE JUDGE
PEREZ-MONTES

RESPONSE TO INTERROGATORY NO. 1:

Please state the name and employment position of each person whom you contend harassed you at LSMSA.

Response: Dr. Kristi Pope Key, Director of Academic Services.

RESPONSE TO INTERROGATORY NO. 2:

For each person whom you contend harassed you, please describe the harassment, including all facts upon which you base your contention that you were unlawfully harassed.

Response: Dr. Kristi Pope Key

Initial Harassment

1. Dr. Key first tried to engage me outside of work via Facebook messenger starting my first semester at LSMSA in early September 2017, October 2017, and again in December 2017.
2. From December 2017 onward, Dr. Key and I began to talk frequently. At first, she mostly messaged me on Facebook and iMessage; she then started messaging me primarily using Gchat, and she would sometimes send me Instagram DMs. In her first Gchat to me on February 5, 2018 at 10:22 am, she sent, "Is this a thing you do? Gchat? With the history settings turned off???" Before I had a chance to respond, she had turned our chat history settings off, meaning that all our messages would disappear after 24 hours. And given that she was my supervisor, I didn't feel comfortable asking her to turn the settings back on or turning them on myself.
3. In another message, from February 2018, when I suggested we invite another colleague and his partner to join us for Black Panther, she responded, "POTENTIAL DOUBLE DATE!"
4. One evening in March 2018 when Dr. Key and I were Gchatting, she sent me a message that said, "I hope you never leave. I want you to stay here for four forevers." In another message from around the same time, she told me once again that she never wanted me to leave.

EXHIBIT

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5. In April 2018, she sent me a message that read, "I am glad you're in this world." And in yet another message, from April 2018, she asked if we had a "shipper name" for "Carrie and Laura" (from Star Wars).
6. She would also send messages with "Was JUST thinking of you" or "I saw your car just now."
7. In another instance, when I had messaged her about whether she was upset with me about something, she responded that it had nothing to do with her "Justin-related feelings."
8. In addition to the constant messaging on multiple mediums, Dr. Key would suggest we take trips together, make me food (telling me at one point that's how she showed she cared), and give me notes and gifts, including a magnet with a uterus drawn on it.
9. Between January 2018 and May 2018, she invited me over to her house on several occasions, and to Toledo Bend (she later gave me a magnet with a picture of the cabin at Toledo Bend on it).
10. She would constantly comment on and compliment what I was wearing, give me long hugs, and find reasons to touch me. For example, in March 2018, Dr. Key and I were sitting at the bar in her kitchen discussing English course scheduling when she reached over and laid her hand on my wrist and told me she liked my bracelet. She left her hand there a few seconds more before pulling it a way.
11. Another time, Dr. Key and I had walked out of the faculty lounge into the hallway where we ran into another faculty member. As we were talking, Dr. Key, who was standing to my left, reached around and started to play with or fix my collar. She just kept fiddling with it, and I started to become uncomfortable until she pulled her hand away. When we parted ways, Dr. Key squeezed and kind of rubbed my upper arm as she said goodbye. She didn't do the same to the other female faculty member.
12. Additionally, Dr. Key would often talk to me about her personal feelings. For example, on August 15, 2018, we walked to Starbucks after lunch to grab coffee for her birthday. She wanted to sit and talk at Starbucks, and for over an hour, she talked to me about her personal feelings and concerns—she shared that she cared too much what people thought of her and that it was taking an emotional and physical toll on her. She also told me that she doesn't know who she is as a person and that she has a lot of inner conflict. I didn't know what she meant by any of this conversation, so I simply listened and told her I was sorry and hoped she figured it out. She repeated it again several more times, and I just kept telling her I would listen whenever she needed me to. Finally, we walked back to her office where she opened her birthday present. She then proceeded to walk around her desk and give me an uncomfortably long hug (about a minute, if not a little longer) and tell me how glad she was that I was there with her.
13. Another time, in July 2018, when we were driving back to campus from lunch, she supposedly received a message from her father. He apparently sends her Bible verses regularly, which she hates. She then started talking to me about her father and how when she was growing up, he was a "philander" who "got blow jobs from every woman in town." She told me that while he was out sleeping around, he'd tell her that she was a sinner and going to hell for just drinking alcohol.
14. Between March 2018 and December 2019, she would invite me to work with her in her office or would offer her office to me when she wasn't there.

15. In October 2019, after not speaking with me for a period of time, Dr. Key saw me at the water fountain and said, "hey boo."

16. I would often catch Dr. Key staring at me during events, activities, and meetings. A few other colleagues (particularly Karen Stirrett and Jennifer Mangum) noticed, as well, and asked me/expressed their concern about it.

Ongoing Harassment & Toxic/Hostile Workplace Environment

17. In May/June 2018, Dr. Key stopped speaking to me in any capacity. Dr. Key was my supervisor, and both were scheduled to co-teach two classes during STEM, a weeklong summer program which Dr. Key specifically asked me to co-teach rather than another STEM professor or coordinator. There was no explanation for this sudden change in behavior until later when Dr. Key told me that she needed to "recalibrate" when it came to me.

18. In July 2018, Dr. Key began randomly texting me one Sunday afternoon and proceeded to text with me for over seven hours until about 11:00 pm that evening. She then invited me out to lunch that Tuesday, where she brought up a series of rumors about me leaving, as well as rumors about my colleague and friend, Ms. Merrill (Schmitt) and her relationship with a former LSMSA employee. During this conversation, I told Dr. Key that the rumors were complete lies, that I had already heard about them, and that the individual spreading these rumors used to work for Ms. Merrill (Schmitt) and left on less-than-positive terms. After returning to campus, Dr. Key sent me a series of bizarre Gchats in which she "re-scripted" our earlier conversation and apologized for messing it up.

19. By September 28, 2018, I had become increasingly more uncomfortable and worried about how Dr. Key's behaviors and interactions would affect my job, so I sent a text message to Dr. Key asking about personal boundaries. Dr. Key's only reply was "I have decided to deliberately try not to dish with you about colleagues."

20. On multiple occasions, Dr. Key was actively hostile toward me, often in front of my colleagues and students. Additionally, by Fall 2019, Dr. Key became increasingly hostile to my close colleagues and friends, particularly Dr. Karen Stirrett, a new biology instructor. Dr. Stirrett resigned from the school after only that first year of teaching due to Dr. Key's behavior, stating in her resignation email that Dr. Key was the reason for her departure.

21. On September 18, 2018, during a group conversation among colleagues at a reception for Governor Edwards, Dr. Key would not speak to me or even look at me. However, later that night, Dr. Key began messaging me on Instagram asking me if she received the cat gift she had left in my mailbox earlier that morning.

22. Also in September 2018, Dr. Key told me that in May 2018, Dr. Key had to do an "emotional dump" and "recalibrate her feelings" regarding me.

23. In November 2019, at a conference in Seattle which was attended by Dr. Key, me, and other members of LSMSA faculty, Dr. Key refused to stand with the LSMSA representatives during group events because I was present.

Exhibit A

This letter serves as official notification of professional expectations of behavior and correspondence between you and Dr. Key moving forward.

- Any future correspondence or conversation that attempts to engage in personal questions regarding individual feelings, past concerns about interactions or actions, or intrapersonal encounters (or the lack thereof) will further signal an ongoing and consistent unwillingness to respect both professional and personal boundaries. Demonstrations of such lack of respect will result in an escalation of Human Resources concerns and lead to disciplinary actions.
- Should Dr. Barker choose to stay on the job market or to go on the job market again, she should address any questions about that process or raise any concerns about that search with her immediate Chair. It is not to come to Dr. Key's desk in any fashion. Any concerns Dr. Key may have about her continued employment at LSMSA will be communicated officially through appropriate channels to Dr. Barker, Mrs. Kidd, and Dr. Horton in particular.
- No contact via letters, notes, social media, gchats, or text. All outreach and correspondence should take place via LSMSA email and should be only professional in nature.
- No private meeting requests will be entertained. Face to face meetings on professional matters will include either Sheila Kidd or another third party designee (likely Dr. Jocelyn Donlon as current Chair).

I understand the parameters and directives included above and understand the potential for future disciplinary action for cause.

Justin S. Barker

